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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/720,604 | 11/20/2003 | Wen Sung Lee | 4149SF | 4235 |

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| EXAMINER |
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SAWHNEY, HARGOBIND S

| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|--------------------------------------|--|
| Office Action Summary | Application No. 10/720,604 | Applicant(s) LEE, WEN SUNG | |
| | Examiner Hargobind S. Sawhney | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (US Patent No.: 4,360,860).

Johnson et al. ('860) discloses a flashlight comprising:

- a housing 32 including a front opening (Figure 2, column 8, line 9) receiving a light device 38 (Figure 2, column 8, line 16);
- a circuit board including batteries 31, the combination including wiring and element 55, herein after referred as 55 - positioned in the housing 32, and the circuit board 55 electrically coupled to the light device 38 for being energized (Figure 2, column 8, lines 7-9);
- at least one rechargeable battery 31 received in the housing 32 (Figure 2, column 8, lines 5-7) , and the at least one rechargeable battery 31 being electrically coupled to the light device 38 (Figure 2, column 8, lines 5-7);
- an electric generating device 30 received in the housing 32 (Figure 2, column 8, line 5-9);

- an actuating device 46' – the combination of elements 45 and 46 (Figure 1), hereinafter referred as 46' – including a follower 46 rotatably attached to the housing 32 (Figure 2, column 8, lines 19-22);
- a handle pivotally attached to the follower 46 for rotating the follower 46 relative to the housing 32 (Figure 2, column 48 lines 19-22);
- a gearing device 48 received in the housing 32 and coupled between the actuating device 46' and the electric generating device 30 (Figure 2, column 8, lines 19-25);
- the electric generating device 30 including a spindle 47 bearing a pinion 48 (Figure 2, column 8, lines 19-25);
- a first gear – larger diameter gear engaged to the spindle 47, and the first gear rotatably received in the housing 32 (Figure 2, column 8, lines 19-25);
- a second gear attached to the follower 46, and engaged to the a gear 48 (Figure 2) between the first gear and the second gear (Figure 2, column 8, lines 19-25);
- the actuating device 46' including a knob – the element opposing the cranking handle - attached to the handle (Figure 2);
- the housing 32 including a reflector 34 receiving the light device 38 in a hole defined in its body (Figure 2, column 8, line 14); and
- the housing 32 including a plate – base 91 and walls 43 defining a cavity 91 receiving the electric generator 30 (Figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US Patent No.: 4,360,860) in view of Bolger (US Patent No.: 4,907,474) and Yamashita (Japanese Patent No.: JP 2001-343047), hereinafter referred as Yamashita.

Regarding claims 3 and 4, Johnson et al. ('860) discloses a flashlight comprising a gearing device including a first gear. However, Johnson ('860) does not teach the first gear with an attached weight.

On the other hand, Bolger ('474) discloses a mechanical torque converter 1- including a plurality of gears with driving and driven shafts. In addition, Bolger ('474) teaches at least one weight attached to at least one gear to increase a moment of inertia (Bolger, Claim 6).

In addition, neither in combination or individually Johnson et al. ('860) and Bolger ('474) specifically teaches the gear disc including a recess receiving the weight.

On the other hand, Yamashita discloses a gear transmission system (Figures 1a, 1b and 4) comprising a gear disc 10 including a weight 11 received in a cavity defined

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on the gear disc surface - Figures 1 and 4 show the weight surface being coplanar with that of the surface of the gear 10, which clearly indicated that the weight body is received in a cavity - (Figures 1a, 1b and 4, English translated abstract).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the flashlight of Johnson et al. ('860) by providing a gear with an attached weight as taught by Bolger ('474), and attaching the weight to the gear as taught by Yamashita for benefit and advantage of imparting dynamic stability to the gear train system for reliable operation of the device.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US Patent No.: 4,360,860) in view of Krieg (US Patent No.: 4,605,994).

Johnson et al. ('860) discloses a flashlight comprising a housing including the base of the side- wall attached to a cover. However, Johnson ('860) does not specifically teach the housing wall base including peripheral groove receiving a peripheral rib defined in the cover of the housing.

On the other hand, Krieg ('994) discloses a flash lamp 1 (Figure 1) comprising a housing 4 including a peripheral groove defined at the base of the walls of the housing 4, and the peripheral groove receiving a peripheral rib defined in a cover 9 of the housing 4 (Figure 1, column 3, lines 43-48).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the flashlight of Johnson et al. ('860) by providing a ribs and groove arrangement for attaching the cover to the housing wall as taught by Krieg ('994) for benefits quick release attachment for the cover of the flashlight.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hutchinson et al. (U.S. Patent No. 6,472,846 B1), Campagnuolo et al. (U.S. Patent No. 4,701,835), Evans (US Patent No.: 1,479,592) and (Japanese Patent No.: 62-35162 A).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
3/3/05


ALAN CARIASO
PRIMARY EXAMINER